

**Notice of Allowability**

Application No.

10/518,359

Examiner

Debra Wolfe

Applicant(s)

BRUYAS ET AL.

Art Unit

3725

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed July 5, 2006.
2. ☒ The allowed claim(s) is/are 1, 2 and 4-7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.



## NOTICE OF ALLOWABILITY

### *Allowable Subject Matter*

1. It is the opinion of the examiner that the art of record (considered as a whole) neither anticipates nor renders obvious "a guide element being in a horizontal translation motion on a plate securely fastened to the bending head, the guiding means being positioned adjacent a first surface of the element and the at least two guides being arranged parallel to each other adjacent a second, opposite surface of the element" in combination with the rest of the claimed limitations set forth in the independent claim.

Further searching by the examiner yielded additional prior art as follows:

2. Schwarze (U.S. Patent # 5,499,522) discloses a double-head pipe bending machine comprising a framework (10), a bending head (11,12), a bending arm (15), a bending roller (14), a clamping jaw (16) for bending a tube (17), and sliding means (vertical guide 23) for displacement of the bending head (11,12) in horizontal and vertical directions with respect to the framework (5) [See col. 2 lines 41-49]. Schwarze further discloses at least two guides (20) whose recesses are arranged in opposite directions [See FIG 1] with respect to the position of the tube (1) for bending.

Togoshi (U.S. Patent # 4,843,859) discloses a pipe bender having a framework (5), a bending head (2a, 2b), a bending arm (18), a bending roller (17), a clamping jaw (18a-c) for bending a tube (1), and sliding means (guide rail 13, hydraulic cylinder 19) for displacement of the bending head (2a, 2b) in horizontal and vertical directions with respect to the framework (5) [See col. 2 lines 51-59 and col. 3 lines 7-15]. Togoshi further discloses at least two guides (21)



whose recesses are arranged in opposite directions [See FIG 2] with respect to the position of the tube (1) for bending.

3. However the above cited prior art fails to disclose a "guide element being in a horizontal translation motion on a plate securely fastened to the bending head, the guiding means being positioned adjacent a first surface of the element and the at least two guides being arranged parallel to each other adjacent a second, opposite surface of the element". Therefore, it is concluded that claim 1 of the present invention is allowable subject matter over the prior art. Claims 1,2 and 4-7 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 6am - 3:30pm with alternating Friday 6am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Debra Wolfe  
Examiner  
Art Unit 3725

ED TOLAN  
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read "Ed Tolan", is written below the printed name and title.